

Notice of Allowability

Application No.

09/915,598

Examiner

Cheukfan Lee

Applicant(s)

SAKAI, TAKASHI

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed June 13, 2005.
2. ☒ The allowed claim(s) is/are 1, 3-7, 9, 10, 12-15, 17 and 18, now renumbered 1-14, respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/13/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Copies of corrected Figs. 8-10.

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Stephen Manetta (Register No. 40,426) on September 7, 2005. Mr. Manetta was informed that claims 16, 19, 20 and 7 when interpreted properly do not contain allowable subject matter. Mr. Manetta agreed to cancel claim 16 and its dependent claims 19 and 10, and to amend claim 7 by adding the limitation of its dependent claim 8, which clearly recite the intended invention feature, the setting of different dummy signal accumulation periods for the respectively colors.

2. **Please amend the drawings and claims as follows:**

In the drawings

Label Figs. 8-10 with--PRIOR ART -- as indicated in red ink on the attached copies of Figs. 8-10.

In the claims

Cancel claims 8, 16, 19 and 20.

In claim 7, at the end of claim, change the period "." to a comma "," and start a new line and insert the following:

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-- Wherein said drive circuit reads valid image data from said photoreception accumulation portions and then sets different dummy signal accumulation periods for each of the respective colors. --

In claim 9, line 1, change "8" to -- 7 --.

3. Claims 1, 3-7, 9, 10, 12-15, 17, and 18 are allowed.

4. The following is an examiner's statement of reasons for allowance:

Independent claims 1 and 10 have been amended to include the allowable subject matter of now canceled claims 2 and 11; respectively. The reasons for allowance given in the previous Office Action dated March 8, 2005 are still valid after the updated search. Claims 1 and 10 are allowable over the prior art of record because the drive circuit of the closest prior art Ohzu et al. (U.S. Patent No. 5,771,070) does not set different accumulation periods for respective colors of a first line sensor and a second line sensor by setting different second sections (dummy image data storing sections) in the first line sensor and the second line sensor as claimed in claims 1 and 10.

Claims 3-6, which depend on claim 1, and claims 12-15, 17 and 18, which depend on claim 10, are allowable for the reason given for claims 1 and 10.

Claim 7 as amended above and its dependent claim 9 are allowable because the closest prior art Ohzu et al. does not teach a drive circuit that sets different dummy signal accumulation periods for each of the respective colors, in combination with other limitations of claim 7.

The English-translated prior art portion in reference to prior art Fig. 5 of Japanese Application Publication No. 11-55509, submitted in the Information Disclosure Statement (IDS) filed June 13, 2005 is noted. This Japanese reference was cited in the IDS filed June 30, 2003 and was considered by the examiner on February 25, 2005. The prior art portion discusses use of a "discarding period", which is interpreted to correspond to the "dummy signal accumulation period" of the present claim 7 as amended above. However, a closer look at the prior art portion reveals the lack of the detailed limitation claimed in independent claims 1, 7 and 10. The prior art does not include **a drive circuit that reads valid image data from the photoreception accumulation portions and then sets** different dummy signal accumulation periods for the respective color as claimed in claim 7. The prior art does not teach dividing one line period into three sections as claimed in independent claims 1 and 10, the three section for reading valid image data, storing dummy image data and storing valid image data, respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

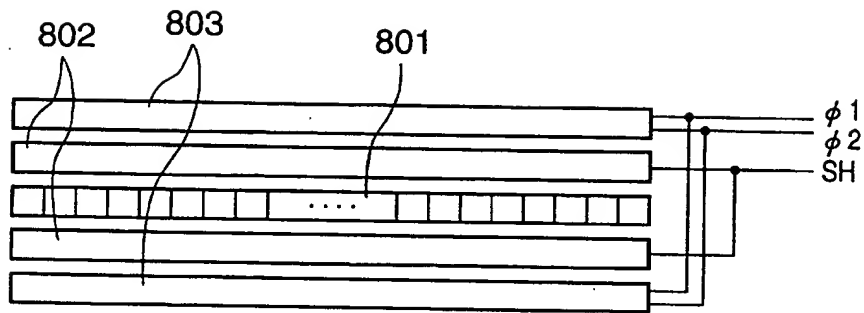
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee
September 7, 2005

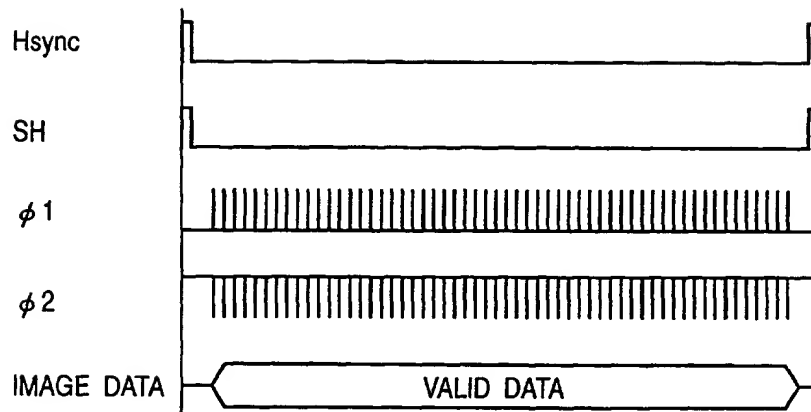

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FIG. 8 PRIOR ART



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FIG. 9 PRIOR ART



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FIG. 10 PRIOR ART

